

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

STEVEN J. ALEXANDER,
KEITH A. BALASH, CHARLES A.
BERARD, MICHAEL R. BRUNOW,
JAMES C. CLEVELAND,
JOSEPH J. FARINA, JOHN MALLOY
HAGEN, WILLIAM E. HEINEN,
WAYNE W. JENSEN, THOMAS P.
KLUSMAN, EDWARD N. LIEBRECHT,
RONALD G. QUACKENBUSH,
ANTHONY T. SMITH, STEVEN J.
SPINGOLA, KIM R. STACK,
DAVID C. VAHL, and MICHAEL D.
YOUNG,

Plaintiffs,

Case No. 03-C-611

v.

CITY OF MILWAUKEE, POLICE CHIEF
ARTHUR JONES, individually and in his
official capacities, MILWAUKEE BOARD
OF FIRE AND POLICE COMMISSIONERS,
CHAIRMAN WOODY WELCH,
VICE-CHAIRMAN CARLA Y. CROSS,
COMMISSIONER ERIC M. JOHNSON,
COMMISSIONER LEONARD J. SOBCZAK,
COMMISSIONER ERNESTO A. BACA,
individually and in their official capacities,

Defendants.

OPINION AND ORDER

Before the court is the Defendants' Rule 7.4 Non-Dispositive Motion to
Strike Portions of Plaintiffs' Reply Brief. This court has been deluged with documents

since the trial portion of the case has been concluded. The latest example is in connection with the Plaintiffs' fee request. The Plaintiffs' reply was more than just a reply. The Defendants were not content to trust the court to recognize the difference but promptly filed a motion to strike or, in the alternative, move for permission to file a "sur-reply," which, if granted, would trigger a further response from the Plaintiffs. In short, this court would like an opportunity to address the merits of the issues involved in this case before the National Football League concludes its season. Accordingly,

IT IS ORDERED that the Defendants' Rule 7.4 Non-Dispositive Motion to Strike Portions of Plaintiffs' Reply Brief (filed October 24, 2005) IS DENIED.

IT IS FURTHER ORDERED that the Defendants' motion to file a sur-reply is, likewise, DENIED.

IT IS FURTHER ORDERED that Plaintiffs' request for an additional \$935.00 in fees for responding to this motion IS DENIED.

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 9th day of November, 2005.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge